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MINING LAWS OF INDIANA.

CHAPTER 50.

AN ACT to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein.

[H. 153. Approved February 28, 1905.]

Coal Mining—"Mine" and "Operator" Defined.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana, That the term "mine" as used in this act includes the working in every shaft, slope or drift which is used or has been used, in the mining and removing of coal from and below the surface of the ground. The term "operator," as used in this act, is hereby defined to mean any corporation, company, firm, person, proprietor, lessee, owner or occupier of any coal mine in this state or any person upon whose account the mine is operated.*

CHAPTER 258.

AN ACT to amend section two (2) of an act entitled "An act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein, approved February 28, 1905."

[S. 397. Approved March 6, 1911.]

Coal Mining—Maps of Mines—Refusal—Inspector.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana*, That section 2 of an act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein, approved February 28, 1905, be and the same is hereby amended to read as follows: Section 2. The operator of each mine shall make, or cause to be made, an accurate map or plan of the workings of such mines on a scale of not less than two hundred feet to one inch, showing the area mined or excavated, the arrangement of haulage roads, air courses, break throughs, brattices, air bridges, or overcasts and doors used in directing the air currents in such mine, the location and connection with such excavation of the mine of the lines of all adjoining lands with the names of the owners of such lands, so far as known, marked on the map. Such map shall show a complete working of the mine, and, when completed, shall be certified to by the owner, agent or engineer making the survey or map to be a true and correct working map of said mine. The owner or agent shall deposit with the inspector of mines a true copy of such map within thirty days after the completion of the survey of the same, the date of which shall be shown on each copy, the original map and survey to be kept at the office of

such mine open for inspection of all interested persons at all reasonable times. Such maps and copy thereof shall be extended each year between the first day of May and the first day of September and shall be filed as required in making the original survey showing the exact workings of the mine at the date of the last survey. At the request of the owner of any coal mine the owner of the land, the miners working therein or other persons interested in the workings of such mine, the inspector of mines shall make, or cause to be made, an accurate map of the workings thereof, on a scale of not less than two hundred feet to the inch, showing the area mined or excavated and the location and connection of the lines of all adjoining lands therewith and the names of the owners of such lands so far as known. Such map shall be sworn to by the surveyor to be a correct map of the workings of such mine, and shall be kept on file in the office of the inspector of mines for examination at all times. All expenses shall be paid by the party causing such survey and map to be made. In case the operator of any mine shall fail or refuse to furnish a map as required by this law, it shall be the duty of the inspector of mines to report a competent mining engineer to make the survey and maps and file and deposit them as required by law, and for his services he shall be entitled to a reasonable fee to be paid by the party whose duty it was to make such survey and map, and shall be entitled to a lien

on the mine and machinery to the same extent as is now provided by law for other work and labor performed in and about the mines of this state. Before a mine or any part of a mine is abandoned the owner or agent shall make a survey showing the farthest extremity of the workings of such mine, and a map thereof made and filed within thirty days thereafter at the office of the county recorder in the county where such mine is located; said map shall have attached thereto the affidavit of the mining engineer making the map, and of the mine boss in charge of the underground workings of said mine. Such map shall be properly labeled and filed by the recorder and preserved as a part of the records of the land on which said mine is located, and the recorder shall receive for said filing from said owner or agent a fee of fifty cents. Upon payment of the fees, the inspector of mines shall make within a reasonable time, and deliver to the party so demanding the same an accurate copy of any map or plan on file in his office. The original map or plan of any coal mine or the copy filed with the inspector of mines or a certified copy, issued under the hand and seal of such inspector, shall be evidence in any court of justice in this state. In order that the maps, reports and other records pertaining to the office of inspector of mines may be properly preserved, a room in the state house shall be set aside and furnished in a suitable manner as an office for said officer.

CHAPTER 258.

AN ACT to amend section three of an act entitled "An act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved February 28, 1905.

[S. 426. Approved March 14, 1913.]

Number of Workmen—Outlet.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana*, That section three of the above entitled act be amended to read as follows:

SEC. 3. It shall be unlawful for any operator to allow more than ten (10) persons to work in any mine at any one time after five thousand (5,000) square yards have been excavated until a second outlet shall have been made: *Provided*, That all air and escape shafts sunk hereafter, shall be separated from the hoisting shaft by at least two hundred (200) feet of natural strata and shall be provided with stairways not less than two (2) feet in width, at an angle of not more than fifty (50) degrees with landings at easy and convenient distance and with guard rails attached to each set of stairs from the top to the bottom of the same, and shall be available at all times to all employes engaged in such mines. *Also, provided*, That the stairways, landing and guard rails shall be of suitable design and strength to accomplish the purposes for which they are intended, and shall be kept free from obstructions. And that when the

escape and air shafts are combined, the escape shaft and air shaft shall be separated by a good substantial partition from top to bottom: *Provided, further,* where the approach or approaches to the escape shaft crosses an air course, entry or other passageway used as an air course, either as an intake or return, the air current shall be conducted by an overcast or undercast, over or under the point where such approaches cross the air course, and that all approaches to escape shafts shall be kept free from falling slate, mine tracks, mine cars and other debris and shall be used only as a means of ingress or egress to or from the escape shaft. All water coming from the surface or out of any strata in such shaft shall be conducted by rings or otherwise to prevent it from falling down the shaft and wetting persons who are descending or ascending the shaft. The operator may provide at such outlet or escape shaft a hoisting apparatus, which shall be at all times available to all persons in the mine, the same signals to be used as provided by law for use at hoisting shafts. The traveling roads or gangways to said outlet shall be separated from the hoisting shaft by at least two hundred (200) feet of natural strata and not less than four (4) feet in height and four (4) feet wide and shall be kept as free from water as the average haulage roads in such mines. At all points where the passage way to the escapement shaft, or other place of exit, is intersected by other

roadways or entries conspicuous boards shall be placed indicating the direction it is necessary to take in order to reach such place of exit. It shall be unlawful to erect any inflammable structure or building or powder magazine on the surface so near the escapeway as to jeopardize the safety of the workmen in case of fire. And no boiler house shall be erected nearer than thirty-five (35) feet of the mine opening. All explosive materials shall be stored in fire-proof buildings on the surface located not less than three hundred (300) feet from any other building.

Fans shall be located and maintained at such places as not to be directly over the opening of an air shaft or escapement shaft, and all fans hereafter installed shall be arranged so as to enable the operator, when desirable, to reverse the air current.

Provided, further, That escape shafts already constructed under the provisions of the law herein amended shall not be affected by his act except they shall be maintained according to the provisions herein.

Cages—Safety Catches—Riding in Cages.

SEC. 4. The rope used for hoisting and lowering in every mine shall be a wire rope, and it shall be securely fastened to the shaft of the drum where two separate ropes are used, and at least one whole lap shall remain on the drum when the cage is at rest on the lowest caging place in the mine, and it shall be examined by some competent

person every morning before the men descend into the mine. The operator of every mine shall provide a cover of $\frac{1}{4}$ -inch boiler plate over-head on all carriages or cages used for lowering or hoisting persons into and out of the mines, and on top of every shaft an improved safety gate; also, an approved safety spring on the top of every slope. Approved safety catches shall be attached to every cage used for the purpose of hoisting or lowering persons. All persons are prohibited from riding on the cages when coal or dirt is being hoisted.

Brake.

SEC. 5. An adequate brake shall be attached to every drum used for lowering or raising persons into or out of all shafts or slopes.

Indicator.

SEC. 6. A proper indicator shall be attached to every hoisting apparatus in addition to any mark on the rope, which shall show to the hoisting engineer the position of a cage or load in the mine.

Fencing—Lights—Speaking Tubes—Signals.

SEC. 7. The operator of every mine shall keep the top of every mine and the entrance thereof securely fenced off by vertical or flat gates, covering and protecting the mouth of such mine. Two lamps shall be kept lighted at all times when the mine is

in operation, except when electric lights are used, one on each side of the shaft, not more than ten (10) feet from said shaft in each vein where men get on or off the cages. There shall be gates hung at each vein, other than the lower one, so that at all times except when coal is actually being placed on the cage or when empty cars are being taken off the cage there shall be a barrier preventing any one falling into the shaft. The operator of such mine, upon receiving notice from the inspector that one or more safety lamps are necessary to the safety of the men in such mine, shall at once procure and keep for use such number of safety lamps as may be necessary. All safety lamps used for examining mines or for working therein shall be the property of the operator and shall remain in the custody of the mine boss or other competent person, who shall clean, fill, trim, examine and deliver the same locked and in safe condition to the men when entering the mine, and shall receive the same from the men at the end of the shift. Said person or persons shall be responsible for the condition and proper use of safety lamps while in their possession and the safe return of said lamps to the place from whence they received them. The operator of any mine shall provide and maintain a metal tube from the top to the bottom of the mine, suitably adapted to the free passage of sound, through which conversation may be held between persons at each vein and the

top of the mine. There shall be a code of signals at all mines with a signal bell at the top and bottom of each mine; one bell shall signify to hoist coal or empty cage, and also to stop either when in motion; two bells shall signify that men are coming up; when return signal is received from the engineer the men will get on the cage and ring one bell to hoist; four bells shall signify to hoist slowly; implying danger. The engineer's signal for men to get on the cage shall be three bells. A whistle may be used at the top of the mine instead of a bell. A copy of the above code of signals shall be printed and conspicuously posted at the top and bottom of the shaft and in the engine room.

Abandoned Mine—Fencing.

SEC. 8. The entrance of an abandoned mine shall be securely fenced off, so that no injury can arise therefrom.

Scales—Weighman—Inspection.

SEC. 9. The operator of any mine at which the miners are paid by weight shall provide suitable and accurate scales of standard manufacture for weighing of coal which may be procured from such mines; such operator shall be required to keep United States standard weights to test said scales. At every mine where the coal mined is paid for by weight it shall be the duty of the weighman and the check-weighman to examine and balance the scales each morning, and in no case shall any coal be

weighed until such scales are tested by the United States Standard weights and found to be correct. Said weighman shall accurately weigh and he shall, together with the check-weighman, record the weight of each miner's car of coal delivered, which record shall be kept open at all reasonable hours for inspection of all miners or other persons pecuniarily interested in the product of such mine: *Provided*, That if the weighman and check-weighman shall disagree work may continue until the inspector of mines can be present, and any erroneous weights made during such times shall be rectified. When differences shall arise between the weighman and check-weighman, or operator, of any mine as to the correctness of the scales, the same shall be referred to the inspector of mines, whose duty it shall be to see and regulate the same at once. The inspector of mines and miners employed in the mine, the owner of the land and others personally interested in the royalty or rental of such mine shall, at all proper times, have full right of access to make examination of scales or apparatus used for weighing coal in or about said mine, including the bank book in which the weights of coal are kept, to determine the amount of coal mined for the purpose of attesting the accuracy thereof.

Management of Engines and Cages.

SEC. 10. The operator shall not place in charge of any engine used for conveying

into or hoisting out of any mine any but experienced, competent and sober engineers. The engineer in charge of such engine shall allow no person except such as may be deputed for that purpose by the owner or agent to interfere with it or any part of the machinery, and no person shall interfere, or in any way intimidate the engineer in the discharge of his duties. He shall not permit any one to loiter in the engine room and he shall hold no conversation with any officer of the company or other person while the engine is in motion, or while his attention should be occupied with the business of hoisting. A notice to this effect shall be posted on the doors of the engine house. He shall thoroughly inform himself of the established code of signals. Signals must be delivered in the engine room in a clear and unmistakable manner, and when the signal is received that men are on the cage he shall speed his engine not to exceed six hundred (600) feet per minute.

Ventilation—Mine Boss—Currents of Air —Airways.

SEC. 11. The operator of any mine shall provide and maintain hereafter for every such mine a sufficient amount of ventilation, affording not less than one hundred (100) cubic feet of air per minute for each and every person employed, and three hundred (300) cubic feet per minute for each mule, horse or other animal used in said mine, measured at the foot of the downcast, and

as much more as the circumstances require. It shall be forced and circulated around the main entries, cross entries and working places throughout the mine so that said mine shall be free from standing gas of whatsoever kind to such an extent that the entire mine shall be in a fit state at all times for men to work therein and will render harmless all noxious or dangerous gases generated therein. Every place where fire damp is known, or supposed to exist, shall be carefully examined with a safety lamp by a competent fire boss immediately before each shift, and in making said examinations it shall be the duty of the fire boss, at each examination, to leave at the face of every place examined evidence of his presence, and it shall be unlawful for any person to enter any mine, or part of mine, generating fire damp until it has been examined by the fire boss and reported by him to be safe. The ventilation required by this act may be provided by any suitable appliance, but in case a furnace is used for ventilation purposes it shall be built in such a manner as to prevent the communication of fire to any part of the works by lining the upcast with incombustible material for a sufficient distance up from the said furnace. But in no case shall a furnace be used at the bottom of the shaft in the mine for the purpose of producing a hot upcast of air where the hoisting appliances and buildings are built directly over the shaft. The operator shall employ a competent mine boss, who shall be

an experienced coal miner, and shall keep careful watch over the ventilating apparatus and the airways, and shall see that, as the miners advance their excavations, all loose coal, slate and rock overhead are taken down or carefully secured against falling therein on the traveling airways. He shall measure the air currents at least once a week at the inlet and outlet, and at or near the face of the entries; he shall keep a record of such measurements, which shall be entered in a book kept for that purpose, the said book to be open for inspection of the inspector of mines. He shall also on or about the first day of each month mail to the inspector a true copy of the said air measurements, stating also the number of persons employed in or about said mine, the number of mules and horses used and the number of days worked in each month. Blanks for this purpose shall be furnished by the state to the inspector and by the inspector to each mine boss. The currents of air in mines shall be split so as to give separate currents to at least fifty (50) persons at work, and the inspector of mines shall have discretion to order a separate current for a smaller number of men if special conditions render it necessary. Whenever the inspector of mines shall find men working without sufficient air or under any unsafe conditions he shall first give the operator a notice giving the facts and a reasonable time to rectify the same, and upon his failure to do so he may order the men out of

the mine or portion of said mine and at once order said mine, or part thereof, stopped until such mine or part of mines shall be put in proper condition. And the inspector of mines shall immediately bring suit against such operator for failure to comply with the provisions of this section. "Break throughs" or airways shall be made in each room and entry at least every forty-five feet. All "break throughs" or airways, except those last made near the working faces of the mine, shall be closed up and made air tight. The doors used in assisting or directing the ventilation of the mine when coal is being hauled through them, shall be opened and closed by the persons designated to do the same, so that the drivers or other persons may not cause the doors to stand open, but nothing herein shall prevent the use of automatic or mechanical doors, subject to the approval of the inspector of mines. In case the roadways or entries of any mine are so dry that the air becomes charged with dust, such roadways or entries shall be regularly and thoroughly sprinkled. And it shall be the duty of the inspector to see that this provision is carried out.

Examination by Mine Boss—Duties—Accident.

SEC. 12. The mine boss shall visit and examine every working place in the mine at least every alternate day while the miners of such places are, or should be, at work,

and shall examine and see that each and every working place is properly secured by timbering and that the safety of the mine is assured. He shall see that a sufficient supply of timbers are always on hand at the miner's working place. He shall also see that all loose coal, slate and rock overhead wherein miners have to travel to and from their work, are taken down or carefully secured. Whenever such mine boss shall have an unsafe place reported to him, he shall order and direct that the same be placed in a safe condition; and until such is done no person shall enter such unsafe place except for the purpose of making it safe. Whenever any person working in said mine shall learn of such unsafe place he shall at once notify the mine boss thereof and it shall be the duty of said mine boss to give him, properly filled out, an acknowledgment of such notice of the following form:

I hereby acknowledge receipt of notice from.....of the unsafe condition of the mines as follows:.....
Dated this.....day of.....19..

.....
Mine Boss.

The possession by the person of such written acknowledgment shall be proof of the receipt of such notice by said mine boss whenever such question shall arise; and upon receipt of such notice said mine boss shall at once inspect such place and proceed to put the same in good and safe con-

dition. As soon as such unsafe place has been repaired to the approval of said mine boss, he shall then give permission for the men to return to work therein, but no person shall return to work therein until such repairs have been made and permission given. Whenever any accident whatsoever has occurred in any mine which shall delay the ordinary and usual workings of such mine for twenty-four consecutive hours, or has resulted in such injury to any person as to cause death or require the attendance of a physician or surgeon, it shall be the duty of the person in charge of such mine to notify the inspector of mines of such accident without delay, and it shall be the duty of said inspector to investigate and ascertain the cause of such accident as soon as his official duties will permit: *Provided*, That if loss of life shall occur by reason of any such accident said inspector shall immediately, with the coroner of the county in which such accident may have occurred, go to the scene of the accident. They shall investigate and ascertain the cause of such loss of life and have power to compel the attendance of witnesses and administer oaths or affirmations to them and the costs of such investigations shall be paid by the county in which the accident occurred, as costs of coroner's inquests are now paid. †

Traveling Way—Outlet—Provision for Injured.

SEC. 13. There shall be cut at the bottom

of the shaft a traveling way sufficiently high and wide to enable persons to pass the same in going from one side to the other, without passing over or under the cage. On all single track hauling roads wherever hauling is done by power, and on all gravity or incline planes in mines, upon which the persons employed in the mine must travel on foot to and from their work, places of refuge must be provided in the side wall, not less than three (3) feet in depth, measuring from side of car, and four feet wide, and not more than twenty (20) yards apart, unless there is a clear space of at least three (3) feet between the side of the car and the side of the wall, which space shall be deemed sufficient for the safe passage of men. On all hauling roads in which the hauling is done by draft animals, whereon men have to pass to and from their work on foot, places of refuge must be cut in the side wall at least two and one-half ($2\frac{1}{2}$) feet deep measuring from the side of the car, and not more than twenty yards apart, but such places shall not be required in entries from which rooms are driven at regular intervals not exceeding twenty yards, and wherever there is a clear space of two and one-half ($2\frac{1}{2}$) feet between the car and the rib, such places shall be deemed sufficient for the safe passage of men. All places of refuge shall be kept clear of obstructions and no material shall be stored therein, excepting in cases of emergency, nor be allowed to accumulate

herein. At every mine where ten or more men are employed inside, it shall be the duty of the operator thereof to keep always on hand, readily accessible and near the mouth of the mine, a properly constructed and comfortable stretcher; a woolen and waterproof blanket; a roll of bandages in good condition for immediate use for bandging and dressing wounds of any one injured in such mine; a supply of linseed oil, lime, camphor, turpentine, antiseptic gauze, dressing and surgeon's splints for the dressing of broken bones; also to provide comfortable apartment near the mouth of the mine, in which any one so injured may rest while awaiting transportation to his home, and to provide for the speedy transportation of any one injured in such a mine to his home.

Approaching Abandoned Workings—Water or Gas.

SEC. 14. When approaching abandoned workings which are supposed to contain dangerous accumulation of water or gases, the excavation approaching such places shall not exceed eight feet in width, and there shall be constantly kept, at a sufficient distance (not less than three yards in advance) one bore hole near the center of the workings, and sufficient flank bore holes on each side. When two or more veins are worked in the same mine they shall be so operated that no danger will occur to the miners working in either vein.

Timber Supply—Blackboard.

SEC. 15. The operator of any mine shall keep a sufficient supply of timber at the mine, and shall deliver all props, caps and timber (of proper lengths) to the rooms of the workmen, when needed and required, so the employes may at all times, be able to properly secure the workings from caving in. Every operator, operating mines in this state shall place a blackboard near the mine entrance sufficiently large, stating thereon in figures the lengths of all timber in use in said mine. The miners shall register thereon, when needing timber for securing their working places, their respective numbers, under the figures indicating the proper lengths of timber required.

Injury to Safety Appliances.

SEC. 16. Any person who shall, knowingly, injure or interfere with any safety lamp, air course, or with any brattice or obstruct or throw open doors, or disturb any part of the machinery, or ride upon a loaded car or wagon in any mine, or do any act whereby the lives or health of the persons or the security of the mines or machinery are endangered shall be deemed guilty of a misdemeanor.

Illuminating Oils.

SEC. 18. Only a pure animal or vegetable oil, or other oils that shall be as free from smoke as a pure animal or vegetable oil, and not the product or by-product of rosin,

and which shall, on inspection, comply with the following list, shall be used for illuminating purposes in the mines of this state: All such oils must be tested by the state supervisor of oil inspection or his deputies at 70 degrees Fahrenheit. The specific gravity of the oil must not exceed 24 degrees. The test of the oil must be made in a glass jar one and five-tenths (1 5-10) inches in diameter by seven (7) inches in depth. If the oil be above 45 degrees and below 70 degrees Fahrenheit, it must be raised to a temperature of about 80 degrees Fahrenheit, when, after being well shaken, it shall be allowed to cool gradually to a temperature of 70 degrees Fahrenheit before being finally tested. In testing the gravity of the oil the hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading. In case the oil under test should be opaque or turbid, one-half of the capillary attraction shall be deemed and taken to be the true reading. When the oil is tested under difficult circumstances, an allowance of one-half degree may be made for possible error before condemning the oil for the use in the mine. All oil sold to be used for illuminating purposes in the mines of the state shall be contained in barrels or packages, branded conspicuously with the name of the dealer, the specific gravity of the oil and the date of shipment. Any individual, firm, corporation or company that sells or

offers for sale any oil other than provided in section 18 to be used for illuminating purposes in coal or other mines of the state, or the individual, firm, corporation, company or person having in charge the operation or running of any mine, who permits the use in his or their mine of any oil for illuminating purposes other than provided for in section 18, or any employe in any mine of this state, who uses with the knowledge of its character, a quality of oil other than is provided for in section 18, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five (\$5) dollars nor more than twenty-five (\$25) dollars.

Check-Weighman.

SEC. 19. Whenever the mining of coal is paid for by weight, the miners employed in mining the same shall have the right of selecting and keeping in the weigh office, or at the place of weighing the coal, a check-weighman, who shall be vested with the same rights as described in section 9 of this act, said check-weighman to be paid by said miners.

SEC. 20. It shall be the duty of the inspector of mines appointed under this act to enter, examine and inspect any and all coal mines, and the works and machinery belonging thereto, at any reasonable time, by day or by night, but so as not to hinder or obstruct the working of any coal mine more than is reasonably necessary in the

discharge of his duties; and the operator of such coal mine is hereby required to furnish the necessary facilities for such entry, examination and inspection. Should the operator fail or refuse to permit such inspection or furnish such facilities, the operator so failing shall be deemed to have committed a misdemeanor, and it is hereby made the duty of such inspector to charge such operator with such violation, under oath, in any court having jurisdiction. The inspector appointed under this act shall devote his entire time and attention to the duties of his office. He, or his assistants, shall make personal inspection, at least three times a year, of all coal mines in this state, and shall see that every precaution is taken to insure the health and safety of the workmen therein employed, that the provisions and requirements of this act are faithfully carried out, and that the penalties of the law are enforced against all who wilfully disobey its requirements. He shall also collect and tabulate the following facts: The number and thickness of each vein of stratum coal and their respective depths below the surface, which are now worked or may hereafter be worked; the kind or quality of coal; how the same is mined, whether by shaft, slope or drift; the number of mines in operation in each county, the owners thereof; the number of men employed in each mine, and the aggregate yearly production of tons from each mine; estimate the amount of capital employed

at each mine; and give any other information relative to coal mining that he may deem necessary, all of which facts, so tabulated, together with a statement of the condition of mines as to safety and ventilation, he shall freely set forth in an annual report to the Industrial Board, together with his recommendation as to such other legislation on the subject of mining as he may think proper. It shall be the duty of the inspector of mines, in addition to his other duties, to examine all scales used at any time for the purpose of weighing coal taken out of said mine. The scales shall be tested by sealed weights; the same shall be furnished to said inspector of mines by the auditor of state on requisition, the cost of which shall be audited by the auditor of state, and paid out of any money in the state treasury not otherwise appropriated. And on inspection, if the scales are found incorrect and, after written notice by the inspector of mines it shall be unlawful for any operator to use or suffer the same to be used, until the scales are adjusted to weigh correctly. The provisions of this law shall apply to all mines except to mines employing less than ten men. And it shall be the duty of the inspector of mines to see to the strict enforcement of all laws relating to mines and mining, to investigate all violations of the law relating thereto, file complaints and make affidavits against such violators before the proper court of justice and to see to the enforcement of all penalties

prescribed by the statutes of the state for disobedience to its provisions relating to mines and mining, and failure to do so may be sufficient cause for his removal from office. The inspector of mines shall make an annual report to the Industrial Board of all matter now required by law to be reported, which report shall be published with the report of the Industrial Board, and shall in every respect comply with the laws pertaining to the inspection of mines.

Examinations by Inspector—Places—Fee —Notice.

SEC. 21. It shall be the duty of the inspector of mines to hold examinations for certificates of service and competency in each of the cities of Brazil, Terre Haute, Washington, and Evansville, and to publish notice of such examinations, stating the time and place where examinations are to be held, and shall make and publish rules and regulations under which such examination shall be conducted. For the purpose of providing for the expense of holding the examinations and issuing the certificates herein provided for, each applicant, before entering upon examination, shall pay the inspector of mines one dollar, a receipt for which must be endorsed upon each certificate before it becomes effective. Examinations for certificates of service or competency shall be public and open to all citizens of the United States, and at least fifteen days' notice of such examination shall be

given by publication in a newspaper published in the city where such examination is to be held. No certificate shall be issued to any person entitling him to serve in more than one of the capacities set out in this section, but two or more certificates may be issued to the same person on proper examination.

Monthly Report to Inspector.

SEC. 23. The operator of every mine shall be and is hereby required to report to the inspector of mines on or before the 15th day of each calendar month the name of the person in charge of such mine, the number of tons of coal produced at such mine during the preceding month, the amount of wages paid employes during such month, the amount of money expended for improvements during said month, together with such other information as may be necessary to enable said inspector to prepare his annual report as required by law.

Who May Not Be Employed.

SEC. 24. No male person under the age of fourteen years or female of any age shall be permitted to enter any mine in this state for the purpose of employment therein, and the parents or guardians of boys shall be required to furnish an affidavit as to the age of said boys when there is any doubt in regard to their age, and in all cases of minors applying for work the operator of any mine shall see that the provisions of this section are not violated.

Injuries—Liability.

SEC. 27. For any injury to person or persons or property occasioned by any violation of this act or any willful failure to comply with any of its provisions, a right of action against the operator shall accrue to the party injured for the direct injury sustained thereby; and in case of loss of life, by reason of such violation, a right of action shall accrue to widow, children, or adopted children, or to the parents or parent, or to any other person or persons who were before such loss of life dependent for the support on the person or persons killed, for like recovery of damages for the injury sustained by reason of such loss of life or lives.

Penalties.

SEC. 28. Any willful neglect, refusal or failure to do the things required to be done by any section, clause or provisions of this act, on the part of the person or persons herein required to do them, or any violation of the provisions or requirements hereof, or any attempt to obstruct or interfere with any inspector of mines in the discharge of the duties herein imposed upon him, or any refusal to comply with the instructions of an inspector of mines by authority of this act, shall be deemed a misdemeanor punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the

court. *Provided*, That the foregoing shall not apply to sections in this act which have special penalties provided for them.

Repeal.

SEC. 29. All laws or parts of laws conflicting with the provisions of this act are hereby repealed.

CHAPTER 121.

AN ACT requiring the owners or operators of coal mines and other employers of labor to erect and maintain wash houses at certain places where laborers are employed, for the protection of the health of the employes, and providing a penalty for its violation.

[S. 287. Approved March 8, 1907.]

Coal Mining—Wash Houses for Laborers.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana*, That for the protection of the health of employes hereinafter mentioned it shall be the duty of the owner, operator, lessee, superintendent of, or other person in charge of every coal mine or colliery, or other place where laborers employed are surrounded by or affected by similar conditions as employes in coal mines, at the request in writing of twenty (20) or more employes of such mine or place, or in event there are less than twenty (20) men employed, then upon the written request of one-third (1-3) of the number of employes employed, to provide a suitable wash room or wash house for the use of persons employed, so that they may

change their clothing before beginning work, and wash themselves, and change their clothing after working. That said building or room shall be a separate building or room from the engine or boiler room, and shall be maintained in good order, be properly lighted and heated, and be supplied with clean cold and warm water, and shall be provided with all necessary facilities for persons to wash, and also provided with suitable lockers for the safe keeping of clothing: *Provided, however,* That the owner, operator, lessee, superintendent or other person in charge of such mine or place as aforesaid shall not be required to furnish soap or towels.

Penalty.

SEC. 2. If any person, persons, or corporation shall neglect or fail to comply with the provisions of this act, or shall maliciously injure or destroy or cause to be injured or destroyed said building or room, or any part thereof or any of its appliances or fittings used for supplying light, heat or water therein, or shall do any act tending to the injury or destruction thereof, he or they shall be guilty of misdemeanor, and upon conviction shall be fined in any sum not to exceed five hundred (\$500) dollars, to which fine may be added imprisonment in the county jail not to exceed sixty (60) days.

CHAPTER 197.

AN ACT to regulate the width of entries in coal mines, providing for an unobstructed space in such entries, providing penalties and repealing all laws in conflict.

[S. 330. Approved March 9, 1907.]

Coal Mining—Width of Entries.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana*, That it shall be unlawful for any owner, lessee, or operator of any coal mine within the State of Indiana, to make, dig, construct, or cause to be made, dug or constructed any entry or trackway after the taking effect of this act, in any coal mine in the State of Indiana where drivers are required to drive with mine car or cars unless there shall be a space provided on one or both sides continuously of any track or tracks measured from the rail, in any such entry of at least two (2) feet in width, free from any props, loose slate, debris or other obstruction so that the driver may get away from the car or cars and track in event of collision, wreck or other accident. It shall be unlawful for any employe, person or persons to knowingly, purposely or maliciously place any obstruction within said space as herein provided: *Provided*, That the geological veins of coal numbers three and four commonly known as the lower and upper veins in the block coal fields of Indiana shall be exempt from the provisions of this act.

Penalty.

SEC. 2. Any such owner, lessee, operator, person or persons, violating any of the provisions of this act shall be guilty of misdemeanor and upon conviction thereof shall be fined in any sum not to exceed two hundred dollars and to which fine may be added imprisonment in the county jail, not to exceed sixty days.

Repeal.

SEC. 3. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

CHAPTER 98.

AN ACT to amend section one of an act entitled an act to amend section 27 of an act entitled "An act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved February 28, 1905, and declaring an emergency, approved March 9, 1907, and declaring an emergency.

[S. 101. Approved March 6, 1909.]

Coal Mining—Injuries—Liability.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana, That section one (1) of an act entitled an act to amend section twenty-seven (27) of an act entitled "An act to revise the laws in relation to coal mines, and subjects relating thereto, and providing for the health and safety of persons employed therein," approved February 28, 1905, and declaring*

an emergency, approved March 9, 1907, be amended to read as follows: Section 27. For any injuries to person, or persons, or property, occasioned by any violation of this act, or failure to comply with any of its provisions, a right of action against the operator shall accrue to the party injured for the direct injury sustained thereby; and in case of loss of life by reason of such violation, a right of action shall accrue in favor of the personal representatives of the deceased against such operator, if the deceased might have maintained an action, had he lived, against the operator for an injury for the same act or omission. The action shall be commenced within two years. The damages in case of death cannot exceed ten thousand (\$10,000) dollars, and must inure to the exclusive benefit of the widow and children, if any, or next of kin, to be distributed in the same manner as personal property of the deceased.

Emergency.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in force and effect from and after its passage.

CHAPTER 204.

AN ACT concerning coal mines, and to provide for the health and safety of persons employed in coal mines, and matters connected therewith, and providing penalties, and repealing all laws in conflict therewith.

[S. 530. Approved March 9, 1907.]

Coal Mining—Possession of Explosives.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana, That it shall be unlawful for any person to take or have in his possession, or under his control within any coal mine in the State of Indiana, any dynamite cap, dynamite or other high explosive without first obtaining in writing the consent of the mine foreman or other person in charge of the operation of said mine, setting forth the use for which any such cap or explosive may be particularly intended.*

CHAPTER 7.

AN ACT entitled an act to amend section 2 of an act entitled "An act concerning coal mines, and to provide for the health and safety of persons employed in coal mines, and matters connected therewith, and providing penalties, and repealing all laws in conflict therewith," approved March 9, 1907.

[H. 734. Approved October 5, 1908.]

Coal Mining—Amendment.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana, That section 2 of an act entitled "An act concerning coal mines, and to provide for the health and safety of persons employed in coal mines and matters connected therewith, and providing penalties, and repealing all laws in conflict therewith," approved March 9, 1907, be and the same is hereby amended to read as follows:*

Shots—Preparations—Use of Explosives— Drill Size.

SEC. 2. It shall be unlawful for any person for the purpose of blasting coal in any mine in the state, to prepare, any "shot" in such a way that the distance from the drill hole to the "loose end," chance or end of cutting shall be more than five feet measured at right angles to the direction of the hole; or to place any charge of powder or other explosive in any drill hole prepared for any "shot" in which the breast of coal to be dislodged is of greater width than the depth of the drill hole; or to use in preparing any "shot" more than six pounds of powder; or to place any powder in any drill hole for the purpose of preparing any "shot" without measuring the amount so placed therein with a substantial measure so made as to indicate the weight of blasting powder measured therein; or to open a keg, can or other package containing powder, by means of a pick or in any other manner except in pursuance of the manner provided in the manufacture of such keg, can or package; or to sell or offer for sale any keg, can or package containing powder, unless such can, keg or package be provided with a sufficient device for opening the same and permitting the discharge therefrom of all the powder therein contained; or to store any blasting powder, dynamite or other high explosive in any coal mine; or to prepare any drill bit more than three and one-quarter ($3\frac{1}{4}$) inches in diameter to be used in boring holes

for the purpose of preparing any shot or to use any dynamite or other high explosive in conjunction with black powder: *Provided*, That the provisions of this section making it unlawful to prepare any drill bit more than three and one-quarter ($3\frac{1}{4}$) inches in diameter to be used for the purpose of boring holes for the purpose of preparing any shot shall not apply or be construed to apply to the block coal mines or block coal mining in this state.

Emergency.

SEC. 2. Whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall be in full force and effect from and after its passage.

Drilling.

SEC. 3. It shall be unlawful for any person for the purpose of blasting coal in any mine in this state, except in any mine producing block coal, to drill any hole past the end of his cutting, "loose end" or "chance."

Prima Facie Violations.

SEC. 4. If upon inspection of any working place in any coal mine there shall be found the remnants of drill holes drilled past the cutting, loose end or chance, or the remnants of any shot measuring more than the maximum width, or if any miner shall be found to have in his possession in his working place any keg, can or package containing powder and which has been opened

in any other manner than that provided by law, the same or either thereof respectively shall be and constitute prima facie evidence that the workman in whose working place such evidence is found guilty of a violation of section 2 or 3 of this act, or a part thereof, as the case may be.

Simultaneous Explosions.

SEC. 5. It shall be unlawful in any coal mine for any person to explode or light any shot in any working place simultaneously with the explosion or lighting of any shot by the same or any other person in any other working place on the same entry, except in working places where the coal is undercut by machinery.

Stairway.

SEC. 6. That at all coal mines where any escapeway or manway is hereafter constructed, the same shall be provided with a good and sufficient stairway, according to the specifications for mine stairways now provided by law, and of suitable design and strength to accomplish the purpose for which it is intended.

Cage and Cage Landing.

SEC. 7. It shall be unlawful for any person desiring carriage upon any cage to approach nearer than six (6) feet to any "cage landing" when such cage is not at rest at such landing; or to crowd on to said cage in a rude or boisterous manner; or

to enter upon any such cage when there are already upon the same one person for each three square feet of the floor space of such cage: *Provided*, That nothing herein contained shall affect any person in charge of the operation of such cage or the machinery moving or affecting the same, *And, provided, further*, That as many persons may after the passage of this act enter a cage for carriage as the same will accommodate, giving each person three square feet of floor space.

Material for Tamping.

SEC. 8. It shall be the duty of the operator or owner of any coal mine wherein fire clay or other non-inflammable material suitable for use in tamping in preparing shots cannot be readily obtained, to provide and deposit within said mine such material, and at points within five hundred feet from the face of entry in such mine. In case any dispute may arise as to the construction proper to be placed upon the above provision, or as to the duty of any such operator or owner thereunder, such dispute shall be finally determined by the inspector of mines.

Shot Firers.

SEC. 9. That any coal mine in the state where the miners working therein so elect, persons may be employed to act as shot firers, and their wages shall be paid by the miners working therein: *Provided*, That nothing herein contained shall affect any existing contract as to shot firers.

Mine Inspector — Assistants — Duties — Pay.

SEC. 10. The result of all coal mine inspections made by the inspector of mines or any of his assistants, showing all his conclusions as to the condition of safety of the mines and orders given in the inspection of any coal mines shall be posted in writing at the entrance to such mine immediately upon the conclusion of each inspection. The inspector of mines or his assistants shall make personal inspection of all coal mines in the state at least three times each year instead of twice each year, as heretofore provided by law, and to enable said inspector and his assistants to discharge all the duties created by this act and other acts the number of assistants is hereby increased from two to four. Such additional assistants shall possess the same qualifications and perform the same duties required by this and any and all other laws, and shall be appointed, empowered, and in all things governed in the same manner and by the same laws applicable to assistants to such inspector of mines heretofore existing under former laws. Such inspector and each of his assistants are hereby charged with the duty of enforcing this act and all other laws relating to the health and safety of persons and property employed and used in and about the coal mines of the state.

Police Powers.

SEC. 11. The inspector of mines and each

of his assistants are hereby empowered to act as police officers with full powers to arrest and detain any person found violating any provisions of this act or any other mining law, or engaged in any attempt to violate any such law or part thereof, or against whom there is found any evidence of a previous violation of such law: *Provided, however,* That no such person shall be detained for any period of time longer than twenty-four hours without warrant or the filing of a charge against him in a court of competent jurisdiction. Such inspector and each of his assistants shall also have power to immediately stop the operation of any coal mine, or part thereof, in which any dangerous or unlawful condition is found: *Provided, however,* That where conditions exist justifying him to do so, he may grant a reasonable length of time for making necessary repairs: *And, provided further,* That where any stop is enforced, such inspector and his assistants shall have power to subsequently allow such mine or part of mine to be reopened when the dangerous or unlawful conditions have been remedied or removed, so that they no longer exist.

Sprinkling—Inspector May Order.

SEC. 12. The inspector of mines shall have power in his discretion to order the sprinkling of any coal mine or part of mine by notice in writing to the operator thereof, or person in charge of the same, and receiving such notice it shall be u

for any person to act in violation thereof and to omit such sprinkling. Copies of any notices given hereunder shall be posted at the mine entrance by the inspector of mines.

Certificates of Service.

SEC. 13. After the passage of this act no further certificates of service shall be issued by the inspector of mines to any person to act as mine boss, fire boss or hoisting engineer: *Provided, however,* That nothing herein contained shall affect any certificate of service heretofore issued.

Penalties.

SEC. 14. Any person violating any provision of this act or wilfully refusing, neglecting or failing to do anything required to be done by any provisions hereof by such person, or obstructing or attempting to obstruct or interfere with the inspector of mines or any of his assistants in the discharge of any duty imposed by law, or refusing, failing or neglecting to comply with the proper orders of the inspector of mines or his assistants, shall be guilty of a misdemeanor punishable on conviction by a fine not exceeding five hundred (\$500.00) dollars, to which may be added imprisonment in the county jail for a period not exceeding six months, in the discretion of the court or jury trying any such cause.

Inspectors—Failure in Duties—Penalty.

SEC. 15. Whoever, being an inspector of mines or an assistant thereof, shall fail,

neglect or refuse to perform any duty required of him by this or any other law relating to the health and safety of persons employed in coal mines and matters connected therewith, shall upon conviction thereof be fined not to exceed five hundred dollars, and upon a second conviction for an offense hereunder shall, upon certification of judgment thereof to the proper officer holding the power of appointing his successor, be immediately removed from office by such officer without any further proceedings.

CHAPTER 276.

AN ACT concerning labor, providing for the safety of persons employed in and about coal mines, creating miners' examining boards, providing for the examination of persons seeking employment in coal mines, declaring who shall be competent and incompetent to work in mines, providing penalties for the violation of same, declaring the manner of enforcement and declaring the time when the same shall take effect.

[H. 199. Approved March 6, 1911.]

Coal Mining—Dangerous Occupation—Examining Board.

SECTION 1. *Be it enacted by the general assembly of the State of Indiana, That the business of mining coal is hereby declared a dangerous occupation, industry and business subject to the provisions of this act. In every county in this state where the business of coal mining is carried on or shall hereafter be carried on, the board of county*

commissioners of such counties shall appoint a miners' examining board, said board to consist of two resident coal miners who shall have had at least five years' practical experience in mining coal and shall at the time of their appointment be engaged as miners of coal in the county wherein they are appointed and one resident of said county who is a coal operator or a mine owner. It shall be lawful for the coal miners individually through their organizations to recommend coal miners for such appointment on such boards and for the coal operators or mine owners to recommend some mine owner or coal operator for such appointment. Said members of said boards shall hold office until the first Monday of the January next following their appointment, or until their successors shall have been appointed and qualified. Any vacancy occurring on any of the said boards may be filled by the board of county commissioners at any regular session of said board. The first appointments shall be made immediately after this act becomes effective and thereafter on the first Monday of each January of each year, or any time thereafter: *Provided*, That the provisions of this act shall not apply to any county in this state unless there is located in such county a coal mine employing ten (10) or more miners.

Organization of Board—Oath—Compensation.

SEC. 2. Each board shall organize by

electing one of their number president and one member secretary and one as treasurer: *Provided*, That the same member may serve as both secretary and treasurer. Each member shall within ten days after his appointment qualify by taking oath or affirmation before some qualified officer that he will faithfully, honestly, and impartially discharge his official duties, which oath shall be filed with the auditor of the county in which he resides and from which he is appointed. The member being chosen as treasurer shall qualify by filing with the auditor his bond in the penal sum of five hundred dollars, which bond shall be approved by the board of county commissioners. Members of said board shall receive as compensation for their services the sum of four (\$4.00) dollars per day for each day actually engaged in their official duties and all legitimate and necessary expenses incurred in attending the meetings of said board, which sum shall be allowed by the county commissioners, and money for the payment of the same shall be appropriated by the county council, and the county treasurer shall pay the same.

Workman's Certificate—Fee—Forms.

SEC. 3. After the 15th day of May, 1911, no person shall be employed or engaged as a miner in any coal mine in this state without first obtaining a certificate of competency and qualification so to do from the miners' examining board of some county in the

State of Indiana: *Provided*, That the above provisions shall not prevent the employment of a person not having such certificate to work in the same room with or under the direction of a miner, having such certificate, for the purpose of becoming qualified to become a miner and to receive such certificate under the provisions of the act: *Provided*, That any male person desiring to work with a qualified miner to become qualified shall first obtain a permit from the miners' examining board by stating his age, nativity and residence and paying the sum of one (\$1.00) dollar therefor. The miners' examining board shall grant a permit to all applicants who are of legal age and who have such intelligence and character that they will not be a menace to life and property. It shall be the duty of the state mine inspector to prepare the form of certificate, permits and books specified and provided for in this act and it shall be the duty of all miners' examining boards in this state to use and adopt the forms prescribed and prepared by the state mine inspector. All expenses provided for and authorized by this act shall be paid out of the county treasury of the counties where the boards contracting the same are located.

Permanent Book—Notice—Record.

SEC. 4. The said board shall keep a permanent book for the purpose of registering the names of all applicants for certificates of competency and qualifications and of all

persons applying for permits to work for the purpose of learning the business or occupation of mining. Said book shall contain a printed form of application which shall be filled out, signed and sworn to by each applicant showing his name, address, nativity, date of birth, race and residence of parents, if living, and what experience, if any, such applicant has had in mining and the location of mines where such applicant has been employed, if at all, for at least two years prior to the application; all applicants shall sign such application and be sworn to the same by some member of the miners' examining board or other authorized person.

Fee on Application—Accounting—Names.

SEC. 5. Each applicant for a certificate or permit shall pay said miners' examining board at the time of application a fee of one (\$1.00) dollar. All money received by said board shall be paid over to the county treasurer at least once a month. The said board shall annually on the first Wednesday of January of each year report to the board of county commissioners appointing them the names of all persons applying for certificates and permits, the amount of money received and disbursed, the names of all persons granted certificates and permits and the names of all persons refused certificates and permits. In every case where an applicant is refused a permit or certificate it shall be the duty of said examining board to

keep a complete record of the questions asked and answers given and the secretary of said board shall furnish a copy of same to any applicant desiring an appeal to any court of competent jurisdiction free of charge.

Monthly Meetings—Public Examinations— Language.

SEC. 6. It shall be the duty of said board to meet on the first Wednesday of each month, but when the said day falls on a legal holiday then the day following, and said meeting shall be public, and when necessary the meeting shall be continued from day to day for not to exceed three days, if business requires: *Provided*, That for the first and second sessions the respective boards may continue in session for a period not to exceed ten days, if business requires. The examination of all applicants shall be public and in the English language: *Provided, however*, That in the event of a non-English speaking applicant so desiring, an interpreter shall be employed, which interpreter shall first be sworn to correctly and truly interpret all questions and answers in the performance of his duty. The members of the board shall have power and authority to administer oaths and all applicants for certificates and permits shall be first sworn and orally examined in regard to their qualifications. All applicants for qualification certificates may be required to furnish satisfactory evidence of their experience in

mining and shall possess sufficient knowledge to be able to understand warnings in regard to dangerous gases and explosives. In no event shall an applicant be deemed competent and qualified unless he appears in person before said board and answers intelligently at least fifteen questions propounded to him pertaining to practical mining, which questions shall cover dangerous gases and other combustibles and explosives and the preparation of shots and timbering, but in no event shall technical questions be included in the examination; *Provided, further,* That when an applicant possesses a miners' qualification certificate of some other state where a miners' qualification law may be in effect, he shall be entitled to a qualification certificate in this state without the formality of an examination. Said board shall keep accurate records in permanent form of all proceedings of all sessions held by them containing the names and addresses of all applicants for permits and certificates and the action taken thereon, which records shall be open for inspection at all times by persons interested. All sessions shall be held in public but the boards shall, when requested by three miners, or may on their own motion, separate the applicants and exclude those not examined from the room where the examination is being held. It shall be unlawful for any person to disclose to any applicant before his examination the question to be asked or the answers thereto:

Provided, That in counties in this state where according to the last report of the state mine inspectors there are less than one hundred and fifty coal miners employed the miners' examining board of such counties shall hold meetings only on the first Wednesdays of January, April, July and October of each year. The miners' examining board in any county shall employ an interpreter at any meeting where a majority deem it necessary, which interpreter shall first be sworn to correctly and truly interpret all questions and answers in the performance of his duty and for any false interpretations of fraudulent acts or violations of any provision of this act shall be subject to the punishment prescribed in section 12 of this act.

Competency—How Determined.

SEC. 7. All applicants who shall answer fifteen questions correctly and shall be otherwise qualified and adjudged competent under this act shall be granted a certificate, which certificate shall not be transferable. No certificate shall be issued unless signed by at least two members of the board. No permit shall be transferable nor issued to any miner under the age prescribed by law.

Refusal of Certificate—Appeal—Fraud.

SEC. 8. Any applicant being refused a certificate or permit by any miners' examining board and feeling himself aggrieved

may appeal to the circuit or superior court located in the county where such board is located and such court shall have power to issue such orders therein as may be lawful and just, but no costs shall be assessed or adjudged against any members of a miners' examining board upon such review of their action. The prosecuting attorney, state mine inspector or any member of any miners' examining board having information that any person has obtained a certificate or permit by means of fraud, misrepresentation or by other unlawful means, or has permitted or is permitting any other person to use his certificate or permit, or that any person is using the certificate or permit which was issued to another person shall file information before the judge of the circuit or superior court located in the county where such person is resident or employed and cause summons to be issued as in civil cases: *Provided, however,* If such officers fail or refuse to file such information, then any private citizen may file such information on the relation of the State of Indiana. If the court or jury shall after a trial or hearing in such cause, find that such certificate or permit has been unlawfully or wrongfully issued, or that such person has used the certificate or permit of another or permitted another to use his certificate or permit, then the judgment shall be that such certificate or permit be revoked and that costs be adjudged as in other civil cases: *Provided, further,* That any person

who obtains a certificate or permit by means of fraud, misrepresentation or by other unlawful means or has permitted or is permitting any other person to use his certificate or permit, or any person who uses or permits to be used a certificate or permit issued to another shall also be subject to the penalties provided in section 12 of this act.

Permit—Working Without.

SEC. 9. No person shall hereafter be engaged as a miner in any coal mine in this state in which ten (10) or more miners are employed without first obtaining permit or certificate as required by this act. No person, firm or corporation shall employ any person as a miner who does not hold a certificate or a permit, as aforesaid, and no mine foreman or superintendent or other person shall permit or suffer any person to be employed under him in any mine under his charge or under his supervisions, as a miner, who does not hold such certificate or permit.

Two Years' Experience.

SEC. 10. No certificate of competency or qualification shall be granted to any applicant who has not had two years' experience in mine work: *Provided*, That persons applying for certificates before the first day of July, 1911, may be granted certificates without examination, provided they shall establish by satisfactory evidence of at least

three resident householders that they have been continuously engaged in practical mining two years or more prior to the time this act becomes effective.

Official Duties—Investigation of Complaints.

SEC. 11. It shall be the duty of the state mine inspector and his deputies and all miners' examining boards and prosecuting attorneys to investigate all complaints of the violation of this law and to prosecute all such violations.

Penalty.

SEC. 12. Any person, firm, or corporation violating any provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars, to which may be added imprisonment not to exceed six months in the county jail or workhouse. Any member of any miners' examining board, in addition to said penalties shall forfeit his office upon being convicted of violating any provisions of this act.

When Act in Effect.

SEC. 13. This act shall be in full force and effect on and after the first day of April, 1911.



